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435 Ryman
Missoula, MT 59802

**Draft dated 8/17/2021
RESOLUTION NUMBER**

A resolution levying a special assessment and tax upon property for annual sidewalk/snow removal assessments to reimburse the city for removal of snow removal performed in winter 2020-2021 in the total amount of \$902.25 pursuant to sections 12.16.030 and 12.16.040 Missoula Municipal Code.

WHEREAS, Montana state law subsection 7-14-4105(3) Montana Code Annotated (MCA) provides that a municipal city council has the power to regulate the use of sidewalks and require the owners of the adjoining premises to keep the same free from snow or other obstructions, and,

WHEREAS, the City Council of the City of Missoula, Montana adopted Sections 12.16.030 through 12.16.040 Missoula Municipal Code (MMC) providing for the removal of snow and ice from sidewalks by city crews once a property owner has been duly notified and has failed to clear ice and snow from public sidewalks located within the public right-of-way adjoining their premises/property; and,

WHEREAS, upon determining that a violation existed pursuant to 12.16.030 MMC, City staff left notice at the property, or in the case of a vacant lot, called the property owner, to notify them of the violation and gave them a specified period of time to clear ice and snow from sidewalks located on their property and in the public right-of-way; and,

WHEREAS, property owners listed in Exhibit A failed to clear ice and snow from their walk in the time specified, and City crews cleared the sidewalk; and,

WHEREAS, in accordance with 12.16.040 MMC City Staff sent invoices for the cost of snow and ice removal to the property owners listed in Exhibit A; and

WHEREAS, the invoices have not been paid by the property owner, and in accordance with 12.16.040 MMC may be assessed by levying an assessment on the premises, and,

WHEREAS, the County of Missoula bills the lots, pieces and parcels of land subject to assessment under this resolution on behalf of the City.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MISSOULA, MONTANA:

That to defray the cost and expense of removing ice and snow from sidewalks on the properties listed in Exhibit A, there is hereby assessed a special assessment and tax in the respective amounts set forth for the assessment. A description of each lot, piece or parcel of land, the name of the owner thereof and the amount assessed against the same are listed in Exhibit A.

BE IT FURTHER RESOLVED that the assessments as shown on Exhibit A, are now due and payable to the County Treasurer of Missoula, Montana, and will be delinquent on November 30, 2021, at 5:00 p.m.

PASSED AND ADOPTED this 30th day of August, 2021.

ATTEST:

APPROVED:

Martha L. Rehbein, CMC
City Clerk

John Engen
Mayor

(SEAL)